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TECHNOLOGY CENTER R3700

Re: Office Action mailed 7-8-02
Examiner: Reichle, Karin M.
Group Art Unit 3761
Pat. Appln: #09/846,229

U.S. Patent Office
Washington, D.C.

This is in response to the Office Action captioned above.

A Petition for extension of time was mailed 9-7-02 via Priority Mail.
Response is now due on or before 11-8-02.

Claims 1-4 have been rejected. New claims 5-7 have been prepared taking into consideration the reasons for the original rejection.

It is acknowledged Claim 4 is anticipated by Imamura. Subject matter under Claim 4 has been dropped.

The specification is objected to. A new Specification has been prepared for consideration. No new matter has been added.

The drawings are objected to. New Fig. 3 is submitted for consideration. Further, Figures 1 and 2 have been amended for consideration.

The oath or declaration has been objected to. A new oath is also submitted for consideration.

References cited show four U.S. patents and two foreign patent documents. A careful analysis and discussion thereof also follows in this Response.

*Noted
PR
2-26-02*

References cited in relation to Claims 1-3 do not appear to anticipate the essence of this invention. No cited patent or document shows a plurality of pads designed to be removed from use through a corresponding opening in the shell. Likewise, there is no anticipation of an associated disposal bag for a touch-free and odorless operation. A no-touch pad may prove to be a very valuable characteristic in hospitals and wherever the threat of contamination is real.

The specification has been adapted to include all sections in order, as provided in 37 CFR 1.77(b). Additionally, the following changes have been made:

On page 2, line 18, words "waist 102 and around the legs 103" have been deleted. Line 20 has been corrected to read --pads 104--. Lines 31 through 35 have been deleted.

On page 3, the first paragraph has been deleted. Line 10, words "not shown in drawings" have been deleted. Line 15, word "advise" changed to --keep count--.

On page 4, lines 2 and 3 have been deleted. Lines 14 through 23 have been deleted.

On cited art:

IPN WO 91/16871 Lopez et al. Double-use diaper. This document describes a double-use diaper which essentially consists of a diaper with an add-on absorbent padding. The add-on padding is situated so as to first receive moisture or fluids and to thereupon be withdrawn, leaving a conventional disposable diaper to be the next and final one to receive fluids before being disposed of.

The addition of absorbent padding in order to lengthen, optimize or maximize the life of a disposable diaper does not anticipate my invention. It should be understood rather in the light of this consideration: any great improvement in absorbency would render this concept obsolete since add-ons would be redundant. My invention, in contrast, is a different concept since such an "improvement" would not render it obsolete but actually more practical. No matter how absorbent the pads become, it will always be desirable to change them once used, and particularly in the fast and easy manner made possible by my invention.

Lopez et al describe, page 10, lines 26-29, the insert 26 to be rolled up and fastened with adhesive 46 and disposed of or placed inside closure 52. Very different from the no-touch automatic mechanism of removal and isolation of used pads of my invention.

U.S. Patent #3,981,306 Krusko. Multilayer one-piece disposable diapers. This diaper is designed so as to adapt to different configuration of absorbent pad 14. This disposable diaper adapts to different applications which are determined by the size, sex and age of the wearer. It does not provide for a multiplicity of absorbent pads to be used and disposed of one after another without undressing the wearer. This invention does not appear to anticipate my invention at all.

U.S. Patent # 4,968,312 Sarbualnd Khan. Disposable fecal compartmenting diaper. This diaper is designed to attain a wiping and cleansing action prior to removal of the soiled diaper. Further, it does not have a multi-use capability, so it differs substantially from my invention. Bag 66 is different structurally and in method of use from bag 111 of my invention. The incorporation of interposed cleansing wipes in my invention differs substantially from Khan's. The cleansing action is attained only while removing the wipe. Khan's invention involves different means and an associated method.

U.S. Patent #4,505,707 Francis T. Feeney. Male sanitary device. This specialized device consists mainly of an adaptation of a catamenial device to the male physiognomy. Absorbent pads 13 superimposed one atop the other do not anticipate my pads 104 when seen in combination with an outer shell and an individual opening for each pad 104 and its corresponding bag 111 which receives pad 104 touch free and odor free as it is being removed from its working position inside shell 101.

This patent is not an anticipation. It is rather a medical product that would not be needed by the same people nor does it afford a discreet change of pads as made possible by my invention.

U.S. Patent # 5,325,543 Tanya R. Allen. Undergarment with a pocket for releasably securing an absorbent pad. This invention is a disposable undergarment adapted to secure a disposable absorbent pad. The pad in this patent may or may not be used while the pads in my invention must be used. The wearer of this invention risks contact with body fluids when disposing of the absorbent pad since it must be grasped by the hand. In contrast, pad 104 of my invention enters bag 111 in the process of being removed from its place inside shell 101. In this invention the undergarment has no opening for removing the used pad; so the wearer must undress to remove the used pad.. In contrast, pads in my invention may be removed without undressing.

This patent refers to a very different product.

Respectfully Submitted,


Herbert R. Burnham
Inventor